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7 As Attorneys for Mark D. Waldron, in his official
8 capacity as Chapter 11 Trustee
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit
Chapter 11

**DECLARATION OF MARK D.
WALDRON IN SUPPORT OF
CHAPTER 11 TRUSTEE'S
OBJECTION TO COMMITTEE'S
EX PARTE MOTION FOR ENTRY
OF AN ORDER PURSUANT TO
FRBP 2004 AUTHORIZING
DISCOVERY EXAM OF
CHAPTER 11 TRUSTEE AND
ISSUANCE OF SUBPOENA
DUCES TECUM PURSUANT TO
FRCP [SIC] 9016; AND REQUEST
FOR JUDICIAL NOTICE**

1 I, Mark D. Waldron, declare as follows:

2 1. I submit this declaration in my official capacity as the duly-appointed
3 Chapter 11 Trustee in the bankruptcy case of the above-captioned debtor (the
4 “Debtor” or “Giga Watt”) and in support of the *Chapter 11 Trustee’s Objection to*
5 *Committee’s Ex Parte Motion for Entry of an Order Pursuant to FRBP 2004*
6 *Authorizing Discovery Exam of Chapter 11 Trustee and Issuance of Subpoena*
7 *Duces Tecum Pursuant to FRCP [sic] 9016* (the “Objection”), filed herewith.
8 Unless otherwise defined herein capitalized terms have the meanings ascribed to
9 them in the Objection. The statements set forth herein are based on my
10 investigation of the Debtor’s affairs, which is ongoing, and, except where
11 otherwise noted, are based on personal knowledge. If called as a witness, I would
12 and could competently testify thereto. When the pronoun “I” is used herein, it
13 refers to Mark D. Waldron in my official capacity as the Trustee working on
14 behalf of the estate, and not in any personal capacity.

15 2. A true and correct copy of the Perkins Coie Protective Order is
16 attached to the Objection as Exhibit A. In August 2020, Perkins Coie LLP
17 produced documents (the “Perkins Coie Documents”) to me pursuant to the terms
18 and protections of the Protective Order.

19 3. On August 20, 2020, counsel for the Official Committee of
20 Unsecured Creditors (the “Committee”) and I, with my counsel present, spoke on
21 the telephone. On this call, I told counsel for the Committee that I would produce


1 the Perkins Coie Documents pursuant to the terms of the Protective Order. In
2 correspondence received about an hour after the call, the Committee asked if I
3 would share the Perkins Coie Discovery with four law firms. "If not, could you
4 involve each of the above in coming up with the classes of documents you plan to
5 obtain in future 2004 exams?" A true and correct copy of the foregoing
6 correspondence is attached to the Objection as Exhibit B.

7 4. As a courtesy to the Committee, I spoke with one of the four lawyers.
8 However, I did not agree to the Committee's request.

9 5. On September 1, 2020, the Committee sent my counsel a draft
10 motion for a Rule 2004 exam that retreated from the demand to send documents to
11 four different law firms and instead asked for a broad set of documents relating to
12 the Trustee's litigation analyses. Six hours later, the Committee filed the Rule
13 2004 Motion.

14 To the best of my knowledge, I declare under penalty of perjury that the
15 foregoing is true and correct.

16 Executed this 4th day of September 2020 in Tacoma, Washington.

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18 _____
19 Mark D. Waldron, in his official capacity as Chapter 11
20 Trustee in the above-captioned case

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CH. 11 TRUSTEE'S OBJECTION
TO COMMITTEE'S RULE 2004 MOTION

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